

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOHN BARRETT

PETITIONER

VS.

CIVIL ACTION NO. 4:04CV172TSL-LRA

STATE OF MISSISSIPPI, ET AL.

RESPONDENTS

ORDER

This cause is before the court on the order of the Fifth Circuit Court of Appeals instructing this court to determine the dates on which petitioner placed in the prison mail system his motion to reconsider and his notice. Having examined the prison mail log, the court concludes that Barrett placed his motion to reconsider in the prison mail system on May 2, 2007, and placed his notice of appeal in the prison mail system on June 15, 2007.

The court hereby orders that this case be returned to the Fifth Circuit Court of Appeals.

SO ORDERED, this the 22nd of January, 2008.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE